

complete data unless subsequent violations are determined.

AUTHORITY: section 643.050, RSMo Supp. 2000. Original rule filed Dec. 5, 1969, effective Dec. 15, 1969. Amended: Filed Aug. 15, 1983, effective Jan. 13, 1984. Amended: Filed Nov. 2, 1998, effective July 30, 1999. Amended: Filed Feb. 14, 2003, effective Sept. 30, 2003.*

**Original authority 643.050, RSMo 1965, amended 1972, 1992, 1993, 1995.*

10 CSR 10-4.080 Incinerators
(Rescinded December 9, 1991)

AUTHORITY: section 203.050, RSMo 1986. Original rule filed Dec. 5, 1969, effective Dec. 15, 1969. Amended: Filed Dec. 15, 1982, effective May 12, 1983. Amended: Filed Oct. 13, 1983, effective March 12, 1984. Rescinded: Filed May 20, 1991, effective Dec. 9, 1991.

10 CSR 10-4.090 Open Burning Restrictions

PURPOSE: This regulation prohibits the disposal of refuse by open burning except as provided under specified conditions.

(1) Refuse Burning Restrictions. On and after January 1, 1970 no person may conduct, cause, permit or allow open burning of refuse.

(2) Prohibition of Salvage Operations by Open Burning. On and after July 29, 1970 no person may conduct, cause, permit or allow a salvage operation by open burning.

(3) Restriction on Open Burning of Trade Wastes. On and after January 13, 1970 no person may conduct, cause, permit or allow the disposal of trade wastes by open burning.

(4) Exceptions.

(A) Open burning of household refuse originating from a residence of fewer than five (5) dwelling units shall not be in violation of section (1) of this regulation, provided that burning takes place on the premises where the refuse originates and provided further that burning takes place outside the corporate limits of Springfield and only within areas zoned A-1, Agricultural District.

(B) The open burning of trade wastes and vegetation may be permitted only when it can be shown that open burning is the only feasible method of disposal and that disposal is in

the public interest. Any person intending to engage in open burning shall file a request to do so with the director. The application shall state the following:

1. The name, address and telephone number of the person submitting the application;

2. The type of business or activity involved;

3. A description of the proposed equipment and operating practices, the type, quantity and composition of material to be burned and the expected composition and amount of air contaminants to be released to the atmosphere, where known;

4. The schedule of burning operations;

5. The exact location where the open burning will occur;

6. Reasons why open burning is the only feasible method of disposal and why disposal is in the public interest; and

7. Evidence that the proposed open burning has been approved by the fire control authority which has jurisdiction. Upon approval of the application by the director, the person may proceed with the operation without being in violation of section (1) or (3) of this regulation, but the approval shall not exempt the applicant from the provisions of any other law, ordinance or regulation.

(C) An open burning permit may be issued by the director for open burning on a continual basis at a sanitary landfill, demolition landfill, compost plant, transfer station or salvage operation provided that—

1. The sanitary landfill, demolition landfill, compost plant, transfer station or salvage operation has a valid permit issued by the Waste Management Program under the provisions of sections 260.200–260.245, RSMo (1986) or is approved for open burning by the director in cases where a Waste Management Program permit is not required;

2. Only tree trunks, tree limbs, vegetation or untreated waste lumber are burned;

3. The open burning will take place at a time of day when atmospheric conditions will permit adequate dispersion of smoke;

4. The distance from the open burning site to the nearest inhabited residence or commercial business is at least two hundred (200) yards or a greater distance as determined by the director to be required to prevent a nuisance;

5. The open burning will not hinder the operation of the installation itself, ignite material other than specified in paragraph (4)(C)2. or otherwise create a fire hazard;

6. The fire control authority which has jurisdiction approves the method and site of open burning;

7. The owner or operator complies with all applicable laws, regulations and ordinances regulating open burning;

8. The owner or operator submits information to the director prior to the issuance of the permit showing that the conditions of this subsection will be met;

9. The director may place conditions in the permit concerning times, methods and locations of burning in order to prevent air pollution, nuisance conditions or safety hazards;

10. In a nonattainment area as defined in 10 CSR 10-6.020(2)(N)3., the director shall not issue a permit under this subsection unless the owner or operator can demonstrate to the satisfaction of the director that the emissions from the open burning of the specified material would be less than the emissions from otherwise processing the specified material; and

11. The permit may be revoked if the owner or operator fails to comply with the provisions of this subsection or any condition of the permit or if a permit issued by the Waste Management Program as specified in paragraph (4)(C)1. is revoked or voided.

(D) This regulation shall not apply to the following:

1. Fires set in connection with agricultural operations related to the growing or harvesting of crops;

2. Fires set for the purpose of instructing and training firemen in the methods of fighting fires; and

3. Fires used for recreational purposes or fires used for the noncommercial preparation of food, such as by barbecuing.

AUTHORITY: section 203.050, RSMo 1986. Original rule filed Dec. 5, 1969, effective Dec. 15, 1969. Amended: Filed Nov. 9, 1983, effective April 12, 1984.

10 CSR 10-4.100 Approval of Planned Installations
(Rescinded April 11, 1980)

AUTHORITY: section 203.050, RSMo 1978. Original rule filed Dec. 5, 1969, effective Dec. 15, 1969. Amended: Filed Aug. 25, 1972, effective Sept. 4, 1972. Amended: Filed Aug. 16, 1977, effective Feb. 11, 1978. Rescinded: Filed Dec. 10, 1979, effective April 11, 1980.

Op. Atty. Gen. No. 331, Shell, 11-15-71. The Missouri Air Conservation Commission has the authority under Chapter 203, RSMo (1969) to provide for the equivalent of a construction permit system by promulgating reg-